

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ANTHONY CHARLES MAENZA,

Plaintiff,

v.

UNITED STATES POSTAL SERVICE,

Defendant.

Case No.: 3:23-cv-00566-YY

ORDER

Adrienne Nelson, District Judge

United States Magistrate Judge Youlee Yim You issued Findings and Recommendation in this case on October 17, 2023. Judge You recommended that this Court grant the above-named defendant's Motion to Dismiss, ECF [18], for lack of subject matter jurisdiction. No party has filed objections.

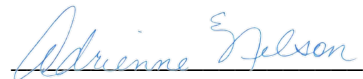
A district court judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a de novo determination of those portions of the report." *Id.* If no objections are filed, then no standard of review applies. However, further review by the district court *sua sponte* is not prohibited. *Thomas v. Arn*, 474 U.S. 140, 154 (1985). The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that unobjected to proposed findings and recommendations be reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Because no party in this case has made objections, this Court reviews Judge You's Findings and Recommendation for clear error on the face of the record. Finding no such error, the Court ADOPTS Judge You's Findings and Recommendation, ECF [20]. Accordingly, defendant's Motion to Dismiss, ECF

[18], is GRANTED, and this case is DISMISSED without prejudice.

IT IS SO ORDERED.

DATED this 16th day of November, 2023.


Adrienne Nelson
United States District Judge